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DISTRICT COURT
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DISTRICT OF UTAH

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MAY 18 2004
U.S. DISTRICT COURT

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BY: DEPUTY CLERK

Attorneys for Utah County Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

DAVID WALKER, DEBBIE WALKER, PATTI)
WALKER STRATTON, CHAD STRATTON,)
TYREE and AMY LAMPH, individually, and for)
and on behalf of DAKOTA ("CODY") LAMPH,)
and DEBBIE WALKER, as Personal)
Representative of the ESTATE OF DAVID)
WALKER,)

Plaintiffs,)

v.)

UTAH COUNTY, DAVID BATEMAN, Sheriff)
of Utah County, in his official and individual)
capacity, SGT. JERRY MONSON, DETECTIVES)
DARIN DURFEY, PATTY JOHNSTON and)
TOM HODGSON, DEPUTIES RICHARD CASE,)
GILBERT MERET (LANCE) McDANIEL, all of)
the Utah County Sheriff's Department, in their)
individual capacities, and GORDON SMITH,)
officer of the Department of Public Safety, Orem)
City, individually, and the CITY OF OREM,)

Defendants.)

**ORDER ON UTAH COUNTY
DEFENDANTS' MOTION TO
DISMISS**

Case No. 2:02CV 0253 TS

Judge Ted Stewart

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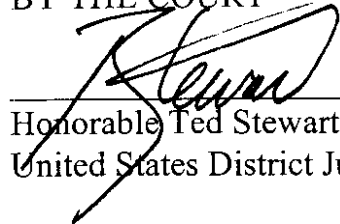
The Court heard oral argument on Utah County Defendants' *Motion to Dismiss* on May 7, 2004. Plaintiffs were represented by Ralph E. Chamness, Lauren I. Scholnick and Margaret D. Plane. Pleasant Grove Defendants were represented by Peter Stirba. Utah County Defendants were represented by Jesse C. Trentadue. The Court having considered the arguments of counsel, the submissions of record and being otherwise fully advised on this matter:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Utah County Defendants' *Motion to Dismiss* is denied as to all claims related to their alleged detention of Plaintiffs because the right these Defendants are alleged to have violated was clearly established at the time of the incident in question.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED based upon the holding in *Watson v. City of Kansas City*, 857 F.2d 690 (10th Cir. 1988), and Plaintiffs' counsel's concession at oral argument that this claim should be dismissed the *Motion to Dismiss* is granted as to all claims related to Deputies Case and Gilbert's alleged refusal to aid in the search for David Walker in the absence of a criminal complaint.

DATED this 21st day of May, 2004.

BY THE COURT



Honorable Ted Stewart
United States District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 2004, I caused a true and correct copy of the foregoing **ORDER ON UTAH COUNTY DEFENDANTS' MOTION TO DISMISS** to be served, via first-class United States mail, postage prepaid, upon the following:

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jmr

United States District Court
for the
District of Utah
May 24, 2004

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:02-cv-00253

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

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